

23-2156

IN THE
United States Court of Appeals
for the Fourth Circuit

Richmond, Virginia

ANDREW U. D. STRAW,
Appellant-Plaintiff, Pro Se,

v.

UNITED STATES,
Appellee-Defendant.

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CAMP LEJEUNE JUSTICE ACT**ORAL ARG. NOT REQUESTED**

Appeal from the United States District Court for
the Eastern District of North Carolina, Southern Division
Case No. 7:23-cv-00162-BO-BM
The Honorable Judge Terrence W. Boyle

NOTICE RE APPARENT 28 U.S.C. § 455 DISQUALIFICATION ISSUES



s/ ANDREW U. D. STRAW

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SERVICE BY EMAIL (ENOTICE) PREFERRED

I, *Appellant* Andrew U. D. Straw, make this NOTICE:

1. The law firm I have hired for my Camp LeJeune claims is Bell Legal. Mr. Ed Bell is the lead plaintiffs' attorney in the consolidated litigation in the Eastern District of North Carolina. 7:23-cv-897. Most of the CLJA claimants and plaintiffs are his clients, apparently, and it is my honor to be his firm's client now.
2. However, Mr. Bell's firm has not agreed to represent me in this appeal, which is fully briefed and has been so long before I hired Mr. Bell's firm.
3. Upon investigation, I have discovered that two of the judges on my panel, Judge King and Judge Thacker, both served as **legal counsel** (Assistant U.S. Attorney in both cases) **for my appellee**, the United States.
4. [28 U.S.C. § 455\(a\)](#) appears to require that both Judges King and Thacker disqualify because they represented my opponent previously.
5. A federal judge has disqualified previously from one of my cases in New York because he was previously an officer in the Marine Corps and I was suing over injuries the Marine Corps ultimately caused me, at its root, with the defamatory and discriminatory assistance of others because of my Camp LeJeune mental illnesses. He found my objections to be "sincere." (**Exhibit 1**)
6. I bring this to the attention of the panel members so they can decide how to proceed.
7. If they do disqualify, the refusal ORDER at [Dkt. 51](#) must be deemed to have been done without a panel quorum and my appeal should be revisited by a

reconstituted panel with 3 judges who did not represent my appellee previously, or *en banc*, as the Court decides. [28 U.S.C. § 46\(d\)](#)

8. My request for rehearing or rehearing *en banc* explains the merits of my appeal substantively. [Dkt. 53](#).
9. It is important to note that the government wants me to mitigate, has health programs under the VA to do so, but chooses not to grant access to those programs for me. It is the **absolute failure to provide me with health coverage that my birth at Camp LeJeune Naval Hospital and 583 days of toxic water exposure and my mother's death from a Track 2 breast cancer fully justifies** that makes this appeal even needed at all. If the government would simply grant me access to the [CLFMP health program under the Janey Enslinger Act of 2012](#) (given the lack of housing records the first three months we were at Camp LeJeune, with me *in utero*), this appeal would at its root be mooted. However, the government's silence, nonfeasance, is very loud in denying me. There is an **irrational hostility** to my obviously fully merited justice that implicates the Due Process clause.
10. My mother, father, and I were **all hurt or killed by Camp LeJeune toxic water** (see admissions in [Dkt. 50](#) ANSWER of the consolidated CLJA case on practically every page) and this government has no right to demand me to mitigate ([Dkt. 17](#), page 29, Aff. Def. #13) **without giving me the means to do so**. My prophylactic and mitigating demands at Dkts. [53](#) & [56](#) should be granted.

WHEREFORE, I bring the apparent conflicts to the panel's attention for the purpose of disqualifications. I await this Court's decision on my health care payments as loans imposed via injunctive powers of this Court and the District Court and my efforts to mitigate via a declaratory judgment the damage to my law career that stems from my poisoning and mental illnesses. Dkts. [53](#) & [56](#). (Short Form Complaint, [Dkt. 55](#) below). The DOJ has utterly failed to assist me against the Midwest Court disability discrimination and array of constitutional violations that I describe in my Virginia Beach Circuit Court COMPLAINT, filed this month. (**Exhibit 2**). The government owes me for every failure to this **Child of Camp LeJeune** who struggled a lonely life with this medical and social burden and no accountability by the criminals who caused it. Only a Court can right this kind of "harm" now that Congress has provided the means under Camp LeJeune Justice Act of 2022, Sec. 804(b). That's what I am asking. I may be dead in the time it takes for that Court below to get around to me with nearly 200,000 claims and 1,600 lawsuits pending; I should have this health payment relief I demand **during the incessant waiting I face on top of the injuries**. Making me wait in pain and [poverty](#) only adds needless insult to the injury.

I, Andrew U. D. Straw, verify that the statements above are true and correct on penalty of perjury.

Signed this 25th day of March, 2024



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CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, hereby certify that on the date set forth below, I electronically filed the foregoing **NOTICE** with the Clerk of Court using the CM/ECF system, which will serve the attached on all counsel of record.

Since [Dkt. 19](#), the appellee has had actual notice of this appeal but is choosing not to appear by counsel.

Dated this **25th day of March, 2024**



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